

2005 DRAFTING REQUEST

Bill

Received: **10/11/2004**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Jerry Petrowski (608) 266-1182**

By/Representing: **katie scott**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Petrowski@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Definition of driving school

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 01/07/2005	kfollett 02/23/2005		_____			State Crime
/P1	phurley 10/31/2005	kfollett 11/01/2005	jfrantze 02/23/2005	_____	Inorthro 02/23/2005		State Crime
/P2	phurley 11/22/2005	kfollett 11/29/2005	pgreensl 11/02/2005	_____	Inorthro 11/02/2005		State Crime
/P3	phurley	kfollett	rschluet	_____	mbarman		State

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	12/15/2005	01/05/2006	11/29/2005	_____	11/29/2005		Crime
/P4	phurley 02/22/2006	kfollett 02/22/2006	pgreensl 01/05/2006	_____	mbarman 01/05/2006		State Crime
/1			rschluet 02/22/2006	_____	sbasford 02/22/2006	sbasford 02/23/2006	

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<END>

02-23-2006
(4/1")

Requested
by Hariah Hutkowski

Rush

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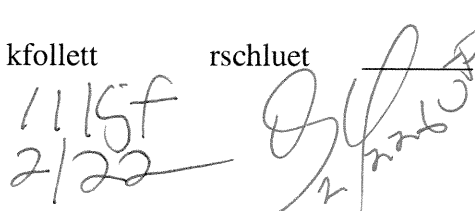
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11/5f
2/22


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[Handwritten signature and date 11/29/05]

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/?	phurley	1 P1/8/2/23	2/23	2/23			

FE Sent For:

<END>

Hurley, Peggy

From: Scott, Katie
Sent: Monday, October 11, 2004 3:39 PM
To: Hurley, Peggy
Subject: RE: drivers schools

Hi Peggy,

The draft forwarded to you is slightly different from last session's draft.

The new draft **excludes** from last session's draft:

Section 1, 227.43 (1)
Section 20, 343.61 (6m)
Section 65, 343.71 (6)
Section 71, 343.72 (4m)
Section 74, 343.72 (6)

The new draft **includes** the following:

Page 1, 343.60(2), 343.60(2)(a), 343.60(2)(b)
Page 2, 343.61(2)(a), 343.61(2)(a)(1), 343.61(2)(a)(1m), 343.61(2)(a)(2)
Page 2, 343.(2)(b)
Page 4, 343.62(2)(a), 343.62(2)(am), 343.62(2)(b)
Page 8, 343.71(5)(a), 343.71(5)(b)
Page 8, 343.72(4)
Page 9, 343.75

The new draft also **makes changes to:**

343.61(1)

-----Original Message-----

From: Hurley, Peggy
Sent: Monday, October 11, 2004 11:54 AM
To: Petrowski, Jerry
Subject: drivers schools

<< File: 03-2938/P2 >> Katie,

This was drafted last session for your office. Is this the same draft as the request you forwarded to me (except for the small change in the first definition)?

Peggy Hurley

LICENSING OF DRIVER SCHOOLS AND INSTRUCTORS**343.60 Definitions In ss.343.60 to 343.73:**

343.60(1) "Driver school" means a business that gives instruction, for compensation, in the operation of motor vehicles, except that it does not include any of the following:

343.60(1)(a) A high school or technical college that teaches driver training as part of its regular school program and whose course of study in driver training has been approved by the department of public instruction or technical college system board.

343.60(1)(b) An institution of higher learning that teaches driver training as part of its teacher training program.

343.60(1)(c) A motorcycle training school that offers a basic or experienced rider training course approved by the department.

343.60(1)(d) Any driver training school that offers training exclusively in the operation of vehicles designed and manufactured for off-highway operation.

343.60(1)(e) An instructor.

343.60(1g) "Driver school classroom" means any facility that is approved by the department and used to conduct driver training, but does not include a motor vehicle.

Section # 343.60 (1m) of the statutes is created to read:
343.60(1m) "Driver school office" means the location at which the driver school business is conducted. "Driver school office" does not include any facility used only as a driver school classroom.

343.60(2) "Fraudulent practices" includes, but is not limited to:

343.60(2)(a) Any conduct or representation tending to give the impression that a license to operate a motor vehicle or any other license, registration or service granted by the secretary or department may be obtained by any means other than the means prescribed by law or by furnishing or obtaining the same by illegal or improper means; or

343.60(2)(b) The requesting, accepting, exacting or collecting of money for such purpose.

343.60(3) "instructor" means any person who is employed by a driver school licensed under this chapter and who, for compensation, gives instruction in the operation of a motor vehicle.

343.61 Driver school requirements.

343.61(1) The department shall issue and renew driver school licenses in conformity with the requirements of this subchapter. No person may operate a driver school, advertise, solicit bids

for business, or provide services unless the person holds a valid driver school license issued by the department.

343.61(2)(a) Application for a driver school license shall be made in the form and manner prescribed by the department, shall contain such information as is required by the department and shall be accompanied by the required fee. An application shall include the following:

343.61(2)(a)(1) Except as provided in subd. 1m., in the case of an individual, the individual's social security number.

343.61(2)(a)(1m) In the case of an individual who does not have a social security number, a statement made or subscribed under oath or affirmation that the individual does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. A license that is issued by the department in reliance on a statement submitted under this subdivision is invalid if the statement is false.

343.61(2)(a)(2) In the case of a person who is not an individual, the person's federal employer identification number.

343.61(2)(a)(3) Identification of all driver school office and driver school classroom locations.

343.61(2)(a)(4) Proof of insurance required under sub. (3m) (a).

343.61(2)(am) A driver school may provide to the department a written certification that the driver school has complied with all applicable driver school office and driver school classroom requirements imposed under this subchapter or under any rule promulgated by the department under this subchapter.

343.61(2)(b) The department of transportation may not disclose any information received under par. (a) 1. or 2. to any person except to the department of workforce development for purposes of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

343.61(2m) The department may not issue or renew a driver school license if any of the following applies:

343.61(2m)(a) The applicant or licensee or any officer, director, partner or other person directly interested in or actively involved in the driver school business was a former holder of, or actively involved in a driver school business operating under, a license issued under this section or a similar license issued by another jurisdiction or was directly interested in or a party actively involved in another driver school which held a license under this section or a similar license issued by another jurisdiction, or was the former holder of an instructor license issued under s. 343.62, and any such license is suspended, revoked, or disqualified.

343.61(2m)(b) Subject to ss. 111.321, 111.322, and 111.335, the applicant or licensee or any officer, director, stockholder, partner or any person directly interested in or actively involved in the driver school business has been convicted of a felony, or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

343.61(2m)(c) The applicant or licensee does not have a driver school office.

343.61(2m)(d) The applicant or licensee is not the true owner of the driver school.

343.61(2m)(e) The applicant or licensee fails to provide the information or statement required under sub. (2) (a) 1. to 2.

343.61(2m)(f) The applicant has made a material false statement or concealed a material fact in an application;.

343.61(3)(a)(1) The required fee for any driver school license, or for any annual renewal thereof, is \$95.

343.61(3)(a)(2) A driver school license expires on the date stated on the license, but not later than 12 months after the date on which the license is issued. The department may institute any system of initial license issuance that it considers advisable for the purpose of gaining a uniform rate of renewals. To put such a system into operation, the department may issue licenses that are valid for any period less than one year. If the department issues a license that is valid for less than one year, the department shall accordingly prorate the fees specified under subd. 1.

343.61(3)(b) In addition to the fee under par. (a), an applicant or licensee under this section shall pay a one-time fee of \$10 for each mailing address where one or more driver school classrooms are located.

343.61(3)(c) The fee for a duplicate license certificate provided under sub. (4) (a) is \$10.

343.61(3)(d) The department shall charge a fee of \$10 in connection with changes to a license certificate, including changes in the location of a driver school office.

343.61(3)(e) If a driver school license is lost, the department shall issue a replacement upon receipt of a completed application, satisfactory proof of loss, and a fee established by the department by rule.

343.61(3m)(a) A driver school shall maintain a standard liability insurance policy in the name of the school, with the minimum insurance coverage specified by rule by the department. The insurance policy shall require the insurer to notify the department before the policy expires or is materially changed or canceled. *(Look at trans 115 for wording)*

343.61(3m)(b) A driver school shall file with the department a bond in the form and amount established by the department by rule.

343.61(4)(a) If the department approves an application for a driver school license and the applicant pays the required fee, the department shall issue a license, and provide a license certificate, to the applicant. The licensee shall display the certificate in the licensee's driver school office, but is not required to display the certificate in any driver school classroom.

343.61(4)(b) The location of each driver school office shall be identified in the license. Except as provided by the department by rule, no licensee may establish any driver school office within 1,500 feet of a department office where operator's licenses are issued, nor within 1,500 feet of any headquarters where official driving skills tests are given. Any change in address of any

driver school office or driver school classroom must be reported to and approved by the department. A driver school may maintain driver school classrooms at locations other than the driver school office.

343.61(4)(c) The use of the word "Wisconsin", or "State" in any sign, firm name, is prohibited, except that a licensed driver school may display at any driver school office or driver school classroom a sign reading: "This School is Licensed by the State of Wisconsin."

343.61(5m) Any driver school licensed under this section may be authorized by the department to provide testing, limited to knowledge and signs tests, for students of the driver schools who are under the age of 18 and for driver school instructors. Authorized driver schools providing such testing shall meet standards and follow procedures established by the department by rule.

343.62 Instructor requirements.

343.62(1) The department shall issue and renew instructor's licenses in conformity with the requirements of this subchapter. No person, including a person holding a driver school license, may act as an instructor in a driver school unless the person holds a valid instructor's license issued by the department. No driver school may employ any person as an instructor unless the person holds a valid instructor's license issued by the department.

343.62(2)(a) Application for an instructor's license shall be made in the form and manner prescribed by the department, shall contain such information as is required by the department and shall be accompanied by the required fee. Except as provided in par. (am), the application shall include the applicant's social security number.

343.62(2)(am) If the applicant does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of workforce development. A license that is issued by the department in reliance on a statement submitted under this paragraph is invalid if the statement is false.

343.62(2)(b) The department of transportation may not disclose a social security number obtained under par. (a) to any person except to the department of workforce development for the sole purpose of administering s. 49.22 or the department of revenue for the sole purpose of requesting certifications under s. 73.0301.

343.62(3)(a)(1) The annual fee for an instructor's license is \$25.

343.62(3)(a)(2) An instructor's license expires on the date stated on the license, but not later than 12 months after the date on which the license is issued. The department may institute any system of initial license issuance that it considers advisable for the purpose of gaining a uniform rate of renewals. To put such a system into operation, the department may issue licenses that are valid for any period less than one year. If the department issues a license that is valid for less than one year, the department shall accordingly prorate the fee specified in subd. 1.

343.62(3)(b) If an instructor's license is lost, the department shall issue a replacement upon receipt of a completed application, satisfactory proof of loss, and a fee established by the department by rule.

343.62(4)(a) Except as provided in par. (b), the department may not issue an original instructor's license to an applicant unless all of the following apply:

343.62(4)(a)(1) The applicant completes a knowledge test authorized or developed by the department and designed to evaluate the applicant's knowledge of instruction procedures, motor vehicle and traffic laws, safety equipment requirements, and functions of essential automotive equipment and the applicant passes the test with a score of at least 80 percent. An applicant who fails to receive a passing score may be reexamined, except that an applicant who fails to pass the test after 2 successive attempts may not be reexamined until one year has elapsed since the date of the last test. The department may by rule provide for an alternative requirement for the issuance of an instructor license in lieu of taking and passing the test under this subdivision. An applicant may not seek review under s. 343.69 of any determination by the department under this subdivision. (*Look at trans 104*)

343.62(4)(a)(2) The applicant passes, with a score that exceeds the minimum standard for obtaining an operator's license, a driving skills test that includes driving maneuvers and parking involved in typical traffic situations. An applicant who fails to receive a passing score may be reexamined, except that an applicant who fails to pass the test after 2 successive attempts may not be reexamined until one year has elapsed since the date of the last test. The department may by rule provide for an alternative requirement for the issuance of an instructor license in lieu of taking and passing the test under this subdivision. An applicant may not seek review under s. 343.69 of any determination by the department under this subdivision. (*Trans 104*)

343.62(4)(a)(3) The applicant is at least 19 years of age, holds a valid regular operator's license, and has at least 2 years of licensed experience operating a motor vehicle.

343.62(4)(a)(4) The applicant submits with the application a statement completed within the immediately preceding 24 months, except as provided by rule, by a physician licensed to practice medicine in any state, from an advanced practice nurse licensed to practice nursing in any state, from a physician assistant licensed or certified to practice in any state, from a chiropractor licensed to practice chiropractic in any state, or from a Christian Science practitioner residing in this state, and listed in the Christian Science journal certifying that, in the medical care provider's judgment, the applicant is physically fit to teach driving.

343.62(4)(a)(5) The applicant has not suffered any loss of use of any body limb or extremity necessary to safely operate and control, from the passenger seat, a motor vehicle of the vehicle class and type in which the applicant will provide instruction for which satisfactory accommodation cannot be provided by adaptive vehicle equipment.

343.62(4)(a)(6) The applicant provides his or her social security number or the statement specified in sub. (2) (am) as required under sub. (2).

343.62(4)(a)(7) The applicant has provided to the department satisfactory evidence of the facts required of the applicant under sub. (2) (a).

343.62(4)(a)(8) The applicant has a driving record that is satisfactory to the department.

343.62(4)(a)(9) Subject to ss. 111.321, 111.322 and 111.335, the applicant has not been convicted of a felony, or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a

federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

343.62(4)(b) Notwithstanding par. (a), the department may issue an original instructor's license that is restricted to classroom instruction to an applicant who does not otherwise qualify for a license because the applicant does not meet the requirements specified in par. (a) 2., 3., or 5. The department may not issue an instructor's license that is restricted to classroom instruction under this paragraph unless the applicant satisfies standards established by the department by rule relating to the ability of the applicant to communicate clearly and concisely and to control the classroom environment and behavior and establishing any further certification required by the department.

343.62(4)(c) The department may not renew an instructor's license issued under this section unless the licensee meets the requirements specified under par. (a) 3. to 9., except that an instructor's license that is restricted to classroom instruction may be renewed to an applicant who meets the requirements specified in par. (a) 4. and 6. to 9.

343.66 Revocation, suspension, cancellation, or denial of renewal of driver school licenses and instructor's licenses.

343.66(1) The department may suspend, revoke, or cancel any driver school license issued under s. 343.61 or instructor's license issued under s. 343.62, or, subject to ss. 343.61 and 343.62, refuse to renew a driver school license or instructor's license if, during any period, any of the following applies:

343.66(1)(a) The licensee has made a material false statement or concealed a material fact in connection with the application for a license or the renewal of a license.

343.66(1)(b) Subject to ss. 111.321, 111.322 and 111.335, the licensee or any partner, member, manager or officer of the licensee has been convicted of a felony, or any other disqualifying offense as established by rule by the department, in this state, or in another jurisdiction, including a conviction under the law of a federally recognized American Indian tribe or band in this state, for an offense that if committed in this state would be a felony or disqualifying offense, unless the person so convicted has been officially pardoned.

343.66(1)(c) The licensee has failed to comply with any of the requirements of ss. 343.60 to 343.72 or rules promulgated under those sections.

343.66(1)(d) The licensee or any partner, member, manager or officer of the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license or in relation to securing for himself or herself or another a license to operate a motor vehicle, or guilty of inducing another person to resort to fraud or fraudulent practices in relation to securing for himself or herself or another the license to operate a motor vehicle;.

343.66(1)(e) Subject to ss. 111.321, 111.322 and 111.335, the licensee has knowingly employed, as an instructor, a person who does not meet the requirements under s. 343.62.

343.66(1)(f) The licensee has failed to maintain insurance as required by the department under s. 343.61 (3m) (a).

343.66(2) The secretary shall deny, restrict, limit or suspend any driver school license issued under s. 343.61 or instructor's license issued under s. 343.62 or refuse to renew a driver school license or instructor's license if the applicant or licensee is an individual who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, or who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857.

343.66(3) The secretary shall suspend or revoke a driver school license issued under s. 343.61 or an instructor's license issued under s. 343.62, if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose driver school license or instructor's license is suspended or revoked under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subchapter.

343.66(4) If a driver school or instructor's license is revoked, canceled, or suspended, the licensee shall surrender all driver school and instructor licenses to the department and no portion of any license fee shall be refunded.

343.69 Hearings on license denials, cancellations, restrictions, suspensions, and revocations, and progressive enforcement action.

343.69(1) If the department denies an application for original issuance or renewal of a driver school license or instructor's license, or revokes, suspends, cancels, or restricts any such license, the department shall notify the applicant or licensee in writing of the action by sending notice of the action by registered or certified mail to the last-known address of the licensee or applicant. Any person who is aggrieved by a decision of the department under this subsection may, within 10 days after the date of receiving notice of the department's action, request review of the action by the division of hearings and appeals in the department of administration under ch. 227. This subsection does not apply to denials, cancellations, restrictions, suspensions, or revocations of licenses under s. 343.66 (2) or (3).

343.69(2) The department shall establish by rule a system of progressive enforcement action taken against licensees for violations of this subchapter or rules promulgated under this subchapter. This system shall include a procedure for addressing consumer complaints and taking action against licensees when such complaints are found to be substantiated.

343.71 Driver school records, curriculum, and operations.

343.71(1m) Every licensed driver school shall maintain all of the following records:

343.71(1m)(a) A record showing the date, type, and duration of, and the name and address of each person receiving, all lessons, lectures, tutoring, instructions or other services relating to instructions in the operation of motor vehicles, and this record shall include the name of the

instructor giving such lessons or instructions and identification of the vehicle in which any driving skills lesson is given.

343.71(1m)(b) A file containing a copy of every agreement required under this paragraph. No driver school or instructor may provide lessons, lectures, tutoring or other services relating to instructions in the operation of motor vehicles unless a written agreement in a form approved by the department by rule has been executed by the school and either the student if the student is at least 18 years of age or, if the student is under 18 years of age, the student's parent or legal guardian. The driver school shall give the student, or the parent or guardian of the student, the original agreement and shall retain and preserve a duplicate copy of the agreement.

343.71(2m) No licensee may agree to give unlimited driver lessons, nor represent or agree, orally or in writing or as a part of an inducement to sign any agreement, to give instructions until the student obtains an operator's license.

343.71(3m) No agreement may contain a "no refund" clause, but may contain the following: "The school will not refund any tuition or part of tuition if the school is ready, willing and able to fulfill its part of the agreement".

343.71(5) The department may not license a driver school unless its approved course of instruction does all of the following:

343.71(5)(a) Acquaints each student with the hazards posed by farm machinery and animals on highways and provides instruction in safely dealing with such hazards.

343.71(5)(b) Provides at least 30 minutes of instruction relating to organ and tissue donation and organ and tissue donation procedures.

343.71(7) A driver school shall notify the department of the name and address of each person who is under the age of 18 years and fails to satisfactorily complete the course.

343.72

Rules for conducting driver schools; prohibited practices.

343.72(1) No licensee may agree to give refresher lessons, unless the student states that he or she has had previous experience operating a motor vehicle.

343.72(3m) No driver school may offer classroom instruction by means of the Internet or of home-schooling or at any location other than a classroom identified to the department under s. 343.61 (2) (a) 3. at which a licensed instructor is physically present.

343.72(4) All records of agreement must include the following statement: "This constitutes the entire agreement between the school and the student and no verbal statement or promises will be recognized".

343.72(5m) No driver school may represent that completion of any instruction will guarantee that the student will pass the department required tests. A driver school may only represent by means of a certificate of completion that the student has satisfactorily completed the required course.

343.72(7) Licensees may not publish, advertise, or create the impression that a license is guaranteed or assured. The display of a sign such as "License Secured Here" is forbidden.

343.72(10) All driver training cars used by the school must be identified by a sign visible to other vehicles from behind stating that it is a driver school vehicle.

343.72(11) All driver training vehicles must be registered with the department with a brief description of each, including the make, model, and registration number, and shall be kept in safe working condition, as established by the department by rule. The department may promulgate rules authorizing the department to place any driver training vehicle out of service for a vehicle equipment violation or for failure to file with the department proof of insurance for the vehicle.

343.72(12) All driver training vehicles shall be equipped with dual controls so that the instructor can stop the vehicle promptly. The department may inspect these vehicles at its discretion. After initial inspection of any driver training vehicle by the department, a driver school may, as provided by rule, certify to the department the condition of any driver training vehicle of a model year not more than 3 years old.

343.73 Penalty.

Any person who violates ss. 343.60 to 343.72 may be required to forfeit not less than \$100 nor more than \$200 for each offense.

343.75 Control group testing by department.

The department may exempt certain persons from one or more of the mandatory requirements of this chapter to establish a test group in order to compare this group with a group of persons not exempted from any of the mandatory requirements of this chapter. After comparing these 2 groups, the department shall determine what effect, if any, that a particular mandatory requirement may have on highway safety in this state. The department shall submit any findings in this regard to the secretary who shall include them in the report required under s. 15.04 (1) (d).

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 343.63 (title), 343.63 (3) and (6), 343.64 (title) and (1) (intro.),
2 343.64 (1) (d), 343.65 (title), 343.65 (1) (intro.) and (a), 343.665 (title), 343.67,
3 343.675, 343.68, 343.70 (title), 343.71 (1) and 343.72 (8); **to renumber** 343.72
4 (4); **to renumber and amend** 343.60 (1), 343.60 (4), 343.61 (3), 343.61 (4),
5 343.61 (5), 343.61 (6), 343.62 (3), 343.63 (intro.), (1), (2), (4) and (5), 343.63 (5m),
6 343.64 (1) (a), 343.64 (1) (b), 343.64 (1) (c), 343.64 (1) (e), 343.64 (1) (f), 343.64
7 (1) (g), 343.64 (2), 343.65 (1) (b), 343.65 (2), 343.66, 343.665 (1), 343.665 (2),
8 343.69, 343.70 (1), 343.70 (2), 343.71 (intro.), 343.71 (2), 343.71 (3), 343.72 (2),
9 343.72 (3), 343.72 (5) and 343.72 (9); **to amend** 227.43 (1) (bg), 343.60 (3),
10 343.61 (1), 343.62 (1), 343.66 (title), 343.69 (title), 343.71 (title), 343.72 (1),
11 343.72 (6), 343.72 (7), 343.72 (11), 343.72 (12) and 343.73; **to repeal and**
12 **recreate** 343.61 (title) and 343.62 (title); and **to create** 343.60 (1) (c), (d) and
13 (e), 343.60 (1g), 343.61 (2) (a) 3., 343.61 (2) (a) 4., 343.61 (2) (am), 343.61 (2m)
14 (intro.), 343.61 (3) (b), (c) and (d), 343.61 (3m) (b), 343.61 (5m), 343.61 (6m),
15 343.62 (3) (a) 2., 343.62 (3) (b), 343.62 (4) (a) 3., 343.62 (4) (c), 343.69 (2), 343.71

(6), 343.71 (7), 343.72 (3m), 343.72 (4m) and 343.72 (5m) of the statutes;
relating to: licensing and activities of driver schools and instructors and
granting rule-making authority.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 227.43 (1) (bg) of the statutes is amended to read:

227.43 (1) (bg) Assign a hearing examiner to preside over any hearing or review under ss. 84.30 (18), 84.31 (6) (a), 85.013 (1), 86.073 (3), 86.16 (5), 86.195 (9) (b), 86.32 (1), 101.935 (2) (b), 101.951 (7) (a) and (b), 114.134 (4) (b), 114.135 (9), 114.20 (19), 175.05 (4) (b), 194.145 (1), 194.46, 218.0114 (7) (d) and (12) (b), 218.0116 (2), (4), (7) (a), (8) (a) and (10), 218.0131 (3), 218.11 (7) (a) and (b), 218.22 (4) (a) and (b), 218.32 (4) (a) and (b), 218.41 (4), 218.51 (5) (a) and (b), 341.09 (2m) (d), 342.26, 343.69 (1), and 348.25 (9).

SECTION 2. 343.60 (1) of the statutes is renumbered 343.60 (1) (intro.) and amended to read:

343.60 (1) (intro.) “Driver school” means the a business of giving that gives instruction, for compensation, in the driving operation of motor vehicles, except that it does not include -a- any of the following:

1 (a) A high school or technical college which ~~that~~ teaches driver training as part
2 of its regular school program and whose course of study in driver training has been
3 approved by the department of public instruction or technical college system board
4 ~~and it does not include an.~~

5 (b) An institution of higher learning which ~~that~~ teaches driver training as part
6 of its teacher training program.

7 **SECTION 3.** 343.60 (1) (c), (d) and (e) of the statutes are created to read:

8 343.60 (1) (c) A motorcycle training school that offers a basic or experienced
9 rider training course approved by the department. ✓

10 (d) Any driver training school that offers training exclusively in the operation
11 of vehicles designed and manufactured for off-highway operation.

12 (e) An instructor.

13 **SECTION 4.** 343.60 (1g) of the statutes is created to read:

14 343.60 (1g) "Driver school classroom" means any facility that is approved by
15 the department ✓ and used to conduct driver training, but does not include a motor
16 vehicle.

17 **SECTION 5.** 343.60 (3) of the statutes is amended to read:

18 343.60 (3) "Instructor" means any person who is employed by a driver school
19 licensed under this chapter ✓ and who, for compensation, gives instruction in the
20 driving operation of a motor vehicle, ~~except a person who is employed as a full time~~
21 ~~instructor by a high school, technical college or institution of higher learning as~~
22 ~~provided in sub. (1).~~ ✓

23 **SECTION 6.** 343.60 (4) of the statutes is renumbered 343.60 (1m) and amended
24 to read:

1 343.60 (1m) ~~“Place of business~~ Driver school office” means the location at which
2 the driver school business is conducted. “Driver school office” does not include any
3 facility used only as a driver school classroom.

4 SECTION 7. 343.61 (title) ^X of the statutes is repealed and recreated to read:

5 **343.61 (title) Driver school requirements.**

6 SECTION 8. 343.61 (1) of the statutes is amended to read:

7 343.61 (1) [✓] The department shall issue and renew driver school licenses in
8 conformity with the requirements of this subchapter. No person shall ~~conduct~~ may
9 operate a driver school ~~without being licensed therefor~~ unless the person holds a
10 valid driver school license issued by the department.

11 SECTION 9. 343.61 (2) (a) 3. of the statutes is created to read:

12 343.61 (2) (a) 3. Identification of all driver school office and driver school
13 classroom locations.

14 SECTION 10. 343.61 (2) (a) 4. of the statutes is created to read:

15 343.61 (2) (a) 4. Proof of insurance required under sub. (3m) (a).

16 SECTION 11. 343.61 (2) (am) of the statutes is created to read:

17 343.61 (2) (am) A driver school may provide to the department [✓] a written
18 certification that the driver school has complied with all applicable driver school
19 office and driver school classroom requirements imposed under this subchapter [✓] or
20 under any rule promulgated by the department [✓] under this subchapter [✓].

21 SECTION 12. 343.61 (2m) (intro.) of the statutes is created to read:

22 343.61 (2m) (intro.) ^{AD} The department [✓] may not issue or renew a driver school
23 license if any of the following applies:

24 SECTION 13. 343.61 (3) ^X of the statutes is renumbered 343.61 (3) (a) 1. and
25 amended to read:

1 343.61 (3) (a) 1. The required fee for any driver school license, or for any annual
2 renewal thereof, is ~~\$75 or, for licenses issued or renewed after August 31, 1998, \$95.~~

3 **SECTION 14.** 343.61 (3) (b), (c) and (d) of the statutes are created to read:

4 343.61 (3) (b) In addition to the fee under par. (a), an applicant or licensee under
5 this section shall pay a one-time fee of \$10 for each mailing address where one or
6 more driver school classrooms are located.

7 (c) The fee for a duplicate license certificate provided under sub. (4) (a) is \$10.

8 (d) The department shall charge a fee of \$10 in connection with changes to a
9 license certificate, including changes in the location of a driver school office.

10 **SECTION 15.** 343.61 (3m) (b) of the statutes is created to read:

11 343.61 (3m) (b) A driver school shall file with the department a bond in the form
12 and amount established by the department by rule.

13 **SECTION 16.** 343.61 (4) of the statutes is renumbered 343.61 (4) (a) and
14 amended to read:

15 343.61 (4) (a) If the department approves an application for a driver school
16 license is ~~approved by the department~~ and the applicant pays the required fee paid,
17 the ~~applicant department~~ shall ~~be granted~~ issue a license, and shall ~~be issued~~ provide
18 a license certificate, to the applicant. The licensee shall display ~~such~~ the certificate
19 in the licensee's ~~place of business~~ driver school office, but is not required to display
20 the certificate in any driver school classroom.

21 **SECTION 17.** 343.61 (5) of the statutes is renumbered 343.61 (3) (a) 2. and
22 amended to read:

23 343.61 (3) (a) 2. A driver school license expires ~~at the end of the calendar year,~~
24 ~~for which it is granted~~ on the date stated on the license, but not later than 12 months
25 after the date on which the license is issued. The department may institute any

1 system of initial license issuance that it considers advisable for the purpose of
2 gaining a uniform rate of renewals. To put such a system into operation, the
3 department may issue licenses that are valid for any period less than one year. If the
4 department issues a license that is valid for less than one year, the department shall
5 accordingly prorate the fees specified under subd. 1.

6 **SECTION 18.** 343.61 (5m) of the statutes is created to read:

7 343.61 (5m) Any driver school licensed under this section may be authorized
8 by the department to provide testing, limited to knowledge and signs tests, for
9 students of the driver schools who are under the age of 18 and for driver school
10 instructors. Authorized driver schools providing such testing shall meet standards
11 and follow procedures established by the department by rule.

12 **SECTION 19.** 343.61 (6) of the statutes is renumbered 343.71 (5), and 343.71 (5)
13 (intro.), as renumbered, is amended to read:

14 343.71 (5) (intro.) ~~No~~ The department may not license a driver school may be
15 licensed unless its approved course of instruction does all of the following:

16 **SECTION 20.** 343.61 (6m) of the statutes is created to read:

17 343.61 (6m) The department shall promulgate rules relating to all of the
18 following:

19 (a) Supplemental driver training courses that are not conducted as part of an
20 approved course of instruction identified under ss. 38.04 (4) (e), 115.28 (11), and
21 343.71 (5).

22 (b) Driver schools that contract with health care providers for assistance or
23 training of motor vehicle operators with special physical or medical needs.

24 (c) Driver training courses developed after the effective date of this paragraph
25 [revisor inserts date], as a result of highway safety initiatives.

✓
1 **SECTION 21.** 343.62 (title) of the statutes is repealed and recreated to read:

2 **343.62 (title) Instructor requirements.**

3 **SECTION 22.** 343.62 (1) of the statutes is amended to read:

4 343.62 (1) ~~No person holding a driver school license shall employ any person~~
5 ~~as an instructor unless such person is licensed by the department to act as such~~
6 ~~instructor~~ ✓ The department shall issue and renew instructor's licenses in conformity
7 with the requirements of this subchapter. ✓ No person, including the a person holding
8 the a driver school license, shall may act as an instructor in such a driver school
9 unless such person is licensed the person holds a valid instructor's license issued by
10 the department to act as such instructor. No driver school may employ any person
11 as an instructor unless the person holds a valid instructor's license issued by the
12 department. ✓

13 **SECTION 23.** 343.62 (3) of the statutes is renumbered 343.62 (3) (a) 1. and
14 amended to read:

15 343.62 (3) (a) 1. The required annual fee for any an instructor's license, or for
16 any annual renewal thereof, is \$25.

17 **SECTION 24.** 343.62 (3) (a) 2. of the statutes is created to read:

18 343.62 (3) (a) 2. An instructor's license expires on the date stated on the license,
19 but not later than 12 months after the date on which the license is issued. The
20 department ✓ may institute any system of initial license issuance that it considers
21 advisable for the purpose of gaining a uniform rate of renewals. To put such a system
22 into operation, the department ✓ may issue licenses that are valid for any period less
23 than one year. If the department ✓ issues a license that is valid for less than one year,
24 the department ✓ shall accordingly prorate the fee specified in subd. 1. ✓

25 **SECTION 25.** 343.62 (3) (b) of the statutes is created to read:

1 343.62 (3) (b) If an instructor's license is lost, the department shall issue a
2 replacement upon receipt of a completed application, satisfactory proof of loss, and
3 a fee established by the department by rule.

4 **SECTION 26.** 343.62 (4) (a) 3. of the statutes is created to read:

5 343.62 (4) (a) 3. The applicant is at least 19 years of age, holds a valid regular
6 operator's license, and has at least 2 years of licensed experience operating a motor
7 vehicle.

8 **SECTION 27.** 343.62 (4) (c) of the statutes is created to read:

9 343.62 (4) (c) The department may not renew an instructor's license issued
10 under this section unless the licensee meets the requirements specified under par.
11 (a) 3. to 9., except that an instructor's license that is restricted to classroom
12 instruction may be renewed to an applicant who meets the requirements specified
13 in par. (a) 4. and 6. to 9.

14 **SECTION 28.** 343.63 (title) of the statutes is repealed.

15 **SECTION 29.** 343.63 (intro.), (1), (2), (4) and (5) of the statutes are renumbered
16 343.62 (4) (a) (intro.), 1., 2., 4. and 5. and amended to read:

17 343.62 (4) (a) (intro.) ~~All applicants for~~ Except as provided in par. (b), the
18 department may not issue an original instructor's license ~~shall be examined, and~~
19 ~~other applicants may be examined, by the department as follows to an applicant~~
20 unless all of the following apply:

21 1. ~~A written and oral~~ The applicant completes a knowledge test shall be
22 completed by the applicant and shall be administered by the department and
23 designed to evaluate the applicant's knowledge of instruction procedures, motor
24 vehicle and traffic laws, safety equipment requirements, and functions of essential
25 automotive equipment. The, and the applicant must receive passes the test with a

1 score of at least 80 ~~per cent~~ percent. An applicant who fails to receive a passing score
2 may be reexamined, except that an applicant who fails to pass the test after 2
3 successive attempts may not be reexamined until one year has elapsed since the date
4 of the last test. The department may by rule provide for an alternative requirement
5 for the issuance of an instructor license in lieu of taking and passing the test under
6 this subdivision. An applicant may not seek review under s. 343.69 of any
7 determination by the department under this subdivision.

8 2. The applicant ~~must pass a road~~ passes, with a score that exceeds the
9 minimum standard for obtaining an operator's license, a driving skills test not less
10 than 5 miles long, which shall include that includes driving maneuvers and parking
11 involved in typical traffic situations. The passing score of the applicant must exceed
12 the minimum standard set for obtaining an operator's license by the state An
13 applicant who fails to receive a passing score may be reexamined, except that an
14 applicant who fails to pass the test after 2 successive attempts may not be
15 reexamined until one year has elapsed since the date of the last test. The department
16 may by rule provide for an alternative requirement for the issuance of an instructor
17 license in lieu of taking and passing the test under this subdivision. An applicant
18 may not seek review under s. 343.69 of any determination by the department under
19 this subdivision.

20 4. The applicant shall ~~submit~~ submits with his or her ~~the~~ application a
21 statement completed within the immediately preceding 24 months, except as
22 provided by rule, by a registered physician showing licensed to practice medicine in
23 any state, from an advanced practice nurse licensed to practice nursing in any state,
24 from a physician assistant licensed or certified to practice in any state, from a
25 chiropractor licensed to practice chiropractic in any state, or from a Christian

1 Science practitioner residing in this state, and listed in the Christian Science journal
2 certifying that, in the physician's medical care provider's judgment, the applicant is
3 physically fit to teach driving.

4 5. ~~Except for a license which is restricted to classroom instruction, no license~~
5 ~~shall be issued to an~~ The applicant who has not suffered an amputation or any loss
6 of the full use of either upper any body limb or loss of the natural use of the foot
7 normally employed extremity necessary to safely operate the foot brake and foot
8 accelerator and control, from the passenger seat, a motor vehicle of the vehicle class
9 and type in which the applicant will provide instruction for which satisfactory
10 accommodation cannot be provided by adaptive vehicle equipment.

11 **SECTION 30.** 343.63 (3) and (6) of the statutes are repealed.

12 **SECTION 31.** 343.63 (5m) of the statutes is renumbered 343.62 (4) (b) and
13 amended to read:

14 343.62 (4) (b) The Notwithstanding par. (a), the department may issue an
15 original instructor's license which that is restricted to classroom instruction to an
16 applicant who does not otherwise qualify for a license because of a test result under
17 sub. (3) or because the applicant has suffered an amputation or loss of the full use
18 of either upper limb or loss of the natural use of the foot normally employed to operate
19 the foot brake and foot accelerator, as specified in sub. (5) the applicant does not meet
20 the requirements specified in par. (a) 2., 3., or 5. The department may not issue an
21 instructor's license that is restricted to classroom instruction under this paragraph
22 unless the applicant satisfies standards established by the department by rule
23 relating to the ability of the applicant to communicate clearly and concisely and to
24 control the classroom environment and behavior and establishing any further
25 certification required by the department.

1 **SECTION 32.** 343.64 (title) and (1) (intro.) of the statutes are repealed.

2 **SECTION 33.** 343.64 (1) (a) of the statutes is renumbered 343.61 (2m) (f) and
3 amended to read:

4 343.61 (2m) (f) ~~Such~~ The applicant has made a material false statement or
5 concealed a material fact in ~~the~~ an application;.

6 **SECTION 34.** 343.64 (1) (b) of the statutes is renumbered 343.61 (2m) (a) and
7 amended to read:

8 343.61 (2m) (a) ~~Such~~ The applicant or licensee or any officer, director, partner
9 or other person directly interested in or actively involved in the driver school
10 business was a former holder of, or actively involved in a driver school business
11 operating under, a license granted issued under s. 343.61 this section or a similar
12 license issued by another jurisdiction or was directly interested in or a party actively
13 involved in another driver school which held a license under s. 343.61 and which this
14 section or a similar license issued by another jurisdiction, or was the former holder
15 of an instructor license issued under s. 343.62, and any such license was revoked or
16 suspended;.

17 **SECTION 35.** 343.64 (1) (c) of the statutes is renumbered 343.61 (2m) (b) and
18 amended to read:

19 343.61 (2m) (b) Subject to ss. 111.321, 111.322, and 111.335, the applicant or
20 licensee or any officer, director, stockholder, partner or any person directly interested
21 in or actively involved in the driver school business has been convicted of a felony,
22 or any other disqualifying offense as established by rule by the department, in this
23 state, or in another jurisdiction, including a conviction under the law of a federally
24 recognized American Indian tribe or band in this state, for an offense that if

1 committed in this state would be a felony or disqualifying offense, unless the person
2 so convicted has been duly officially pardoned;.

3 **SECTION 36.** 343.64 (1) (d) of the statutes is repealed.

4 **SECTION 37.** 343.64 (1) (e) of the statutes is renumbered 343.61 (2m) (c) and
5 amended to read:

6 343.61 (2m) (c) ~~Such~~ The applicant or licensee does not have a place of business
7 as required by s. 343.72 (5); driver school office.

8 **SECTION 38.** 343.64 (1) (f) of the statutes is renumbered 343.61 (2m) (d) and
9 amended to read:

10 343.61 (2m) (d) ~~Such~~ The applicant or licensee is not the true owner of the
11 driver school; ~~or~~.

12 **SECTION 39.** 343.64 (1) (g) of the statutes is renumbered 343.61 (3m) (a) and
13 amended to read:

14 343.61 (3m) (a) ~~The application is not accompanied by a copy of A driver school~~
15 shall maintain a standard liability insurance policy in the amount of \$50,000 for
16 personal injury to, or death of any one person and subject to said limit for any one
17 person, \$100,000 for personal injury to, or death of any number of persons involved
18 in any one accident, and \$10,000 for property damage in any one accident, suffered
19 or caused by reason of the negligence of the applicant or any agent or employee of the
20 applicant name of the school, with the minimum insurance coverage specified by rule
21 by the department. The insurance policy shall require the insurer to notify the
22 department not less than 10 days before the policy expires or is materially changed
23 or canceled.

24 **SECTION 40.** 343.64 (2) of the statutes is renumbered 343.61 (2m) (e) and
25 amended to read:

1 343.61 (2m) (e) ~~The secretary shall deny the application of any person for a~~
2 ~~driver school license if the~~ The applicant or licensee fails to provide the information
3 or statement required under s. 343.61 sub. (2) (a) 1. or to 2., or if the applicant does
4 ~~not have a social security number, a statement made or subscribed under oath or~~
5 ~~affirmation that the applicant does not have a social security number.~~

6 **SECTION 41.** 343.65 (title) of the statutes is repealed.

7 **SECTION 42.** 343.65 (1) (intro.) and (a) of the statutes are repealed.

8 **SECTION 43.** 343.65 (1) (b) of the statutes is renumbered 343.62 (4) (a) 7. and
9 amended to read:

10 343.62 (4) (a) 7. The applicant has ~~failed to furnish~~ provided to the department
11 satisfactory evidence of the facts required of the applicant, ~~has not held a license to~~
12 ~~drive a motor vehicle within this state for the past year, under sub. (2) (a).~~

13 8. The applicant has ~~not had~~ a driving record that is satisfactory to the
14 ~~secretary, or, subject~~ department.

15 9. Subject to ss. 111.321, 111.322 and 111.335, the applicant has not been
16 convicted of a felony ~~and, or any other disqualifying offense as established by rule~~
17 by the department, in this state, or in another jurisdiction, including a conviction
18 under the law of a federally recognized American Indian tribe or band in this state,
19 for an offense that if committed in this state would be a felony or disqualifying
20 offense, unless the person so convicted has not been duly officially pardoned.

21 **SECTION 44.** 343.65 (2) of the statutes is renumbered 343.62 (4) (a) 6. and
22 amended to read:

23 343.62 (4) (a) 6. ~~The secretary shall deny an application for the issuance or~~
24 ~~renewal of an instructor's license if the applicant has not included~~ provides his or her
25 social security number in the application, ~~unless the applicant is an individual who~~

1 ~~does not have a social security number and submits a statement made or subscribed~~
2 ~~under oath or affirmation as required under s. 343.62 (2) (a) or the statement~~
3 ~~specified in sub. (2) (am) as required under sub. (2).~~

4 SECTION 45. 343.66 (title) of the statutes is amended to read:

5 **343.66 (title) Revocation or, suspension, cancellation, or denial of**
6 **renewal of driver school license licenses and instructor's licenses.**

7 SECTION 46. 343.66 of the statutes is renumbered 343.66 (1) and amended to
8 read:

9 343.66 (1) The ~~secretary~~ department may suspend or, revoke, or cancel any
10 driver school license issued under s. 343.61 or instructor's license issued under s.
11 343.62, or, subject to ss. 343.61 and 343.62, refuse to issue a renewal thereof if renew
12 a driver school license or instructor's license if, during any period, any of the
13 following applies:

14 (a) The licensee has made a material false statement or concealed a material
15 fact in connection with the application for a license or the renewal thereof; of a
16 license.

17 (b) Subject to ss. 111.321, 111.322 and 111.335, the licensee or any partner,
18 member, manager or officer of the licensee has been convicted of a felony; or any
19 other disqualifying offense as established by rule by the department, in this state,
20 or in another jurisdiction, including a conviction under the law of a federally
21 recognized American Indian tribe or band in this state, for an offense that if
22 committed in this state would be a felony or disqualifying offense, unless the person
23 so convicted has been officially pardoned.

24 (c) The licensee has failed to comply with any of the requirements of ss. 343.60
25 to 343.72; or rules promulgated under those sections.

(d) The licensee or any partner, member, manager or officer of ~~such~~ the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license or in relation to securing for himself or herself or another a license to operate a motor vehicle, or guilty of inducing another person to resort to fraud or fraudulent practices in relation to securing for himself or herself or another the license to ~~drive~~ operate a motor vehicle;.

(e) Subject to ss. 111.321, 111.322 and 111.335, the licensee has knowingly employed, as an instructor, a person who ~~has been convicted of a felony or has retained such a person in such employ after knowledge of his or her conviction; or~~ does not meet the requirements under s. 343.62.

(f) The licensee has failed to maintain ~~satisfactory insurance to meet damage claims in the amounts specified by s. 343.64 (1) (g)~~ as required by the department under s. 343.61 (3m) (a).

SECTION 47. 343.665 (title) of the statutes is repealed.

SECTION 48. 343.665 (1) of the statutes is renumbered 343.66 (2) and amended to read:

343.66 (2) The secretary shall deny, restrict, limit or suspend any driver school license issued under s. 343.61 or instructor's license issued under s. 343.62 or refuse to ~~issue a renewal for such~~ renew a driver school license or instructor's license if the applicant or licensee is an individual who is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, or who fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s.

59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857.

SECTION 49. 343.665 (2) of the statutes is renumbered 343.66 (3) and amended to read:

343.66 (3) The secretary shall suspend or revoke a driver school license issued under s. 343.61 or an instructor's license issued under s. 343.62, if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes. A licensee whose driver school license or instructor's license is suspended or revoked under this subsection for delinquent taxes is entitled to a notice under s. 73.0301 (2) (b) 1. b. and a hearing under s. 73.0301 (5) (a) but is not entitled to any other notice or hearing under this subchapter.

SECTION 50. 343.67 of the statutes is repealed.

SECTION 51. 343.675 of the statutes is repealed.

SECTION 52. 343.68 of the statutes is repealed.

SECTION 53. 343.69 (title) of the statutes is amended to read:

343.69 (title) Hearings on license denials and, cancellations, restrictions, suspensions, and revocations, and progressive enforcement action.

SECTION 54. 343.69 of the statutes is renumbered 343.69 (1) and amended to read:

343.69 (1) ~~Before~~ If the department denies an application for original issuance or renewal of a driver school license or instructor's license, or revokes, suspends, cancels, or restricts any such license, the department shall notify the applicant or licensee in writing of the pending action ~~and that the division of hearings and appeals will hold a hearing on the pending denial or revocation. The division of hearings and~~

1 ~~appeals shall send by sending~~ notice of the hearing action by registered or certified
2 mail to the last-known address of the licensee or applicant, ~~at least 10 days prior to~~
3 ~~the date of the hearing.~~ Any person who is aggrieved by a decision of the department
4 under this subsection may, within 10 days after the date of receiving notice of the
5 department's action, request review of the action by the division of hearings and
6 appeals in the department of administration under ch. 227. This section subsection
7 does not apply to denials, cancellations, restrictions, suspensions, or revocations of
8 licenses under s. ~~343.665 or 343.675~~ 343.66 (2) or (3).

9 **SECTION 55.** 343.69 (2) of the statutes is created to read:

10 343.69 (2) The department shall establish by rule a system of progressive
11 enforcement action taken against licensees for violations of this subchapter or rules
12 promulgated under this subchapter. This system shall include a procedure for
13 addressing consumer complaints and taking action against licensees when such
14 complaints are found to be substantiated.

15 **SECTION 56.** 343.70 (title) of the statutes is repealed.

16 **SECTION 57.** 343.70 (1) of the statutes is renumbered 343.61 (3) (e) and
17 amended to read:

18 343.61 (3) (e) If a driver school or instructor's license is lost, it shall be reissued
19 by the department ~~upon application therefor accompanied by~~ shall issue a
20 replacement upon receipt of a completed application, satisfactory proof of loss, and
21 a fee of \$1 established by the department by rule.

22 **SECTION 58.** 343.70 (2) of the statutes is renumbered 343.66 (4) and amended
23 to read:

1 343.66 (4) If a driver school or instructor's license is ~~suspended or~~ revoked,
2 ~~canceled, or suspended,~~ the licensee shall surrender all driver school and instructor
3 licenses to the department and no portion of the any license fee shall be refunded.

4 **SECTION 59.** 343.71 (title) of the statutes is amended to read:

5 **343.71** (title) ~~Driver schools to maintain school records, curriculum,~~
6 and operations.

7 **SECTION 60.** 343.71 (intro.) of the statutes is renumbered 343.71 (1m) (intro.)
8 and amended to read:

9 343.71 (1m) (intro.) Every licensed driver school shall maintain all of the
10 following records:

11 **SECTION 61.** 343.71 (1) of the statutes is repealed.

12 **SECTION 62.** 343.71 (2) of the statutes is renumbered 343.71 (1m) (a) and
13 amended to read:

14 343.71 (1m) (a) A record showing the date, type, and duration of, and the name
15 and address of each person receiving, all lessons, lectures, tutoring, instructions or
16 other services relating to instructions in the operation of motor vehicles, and this
17 record shall include the name of the instructor giving such lessons or instructions
18 and identification of the vehicle in which any road driving skills lesson is given,
19 including type of transmission;

20 **SECTION 63.** 343.71 (3) of the statutes is renumbered 343.71 (1m) (b) and
21 amended to read:

22 343.71 (1m) (b) A file containing a ~~duplicate~~ copy of every agreement entered
23 ~~into between the school and every person given lessons, lectures, instructions or~~
24 ~~other services relating to instructions in the operation of motor vehicles~~ required
25 under this paragraph. No person shall be given driver school or instructor may

1 provide lessons, lectures, tutoring or other services relating to instructions in the
2 operation of motor vehicles ~~until~~ unless a written agreement in a form approved by
3 the department has been executed by ~~both~~ the school and either the student if the
4 student is at least 18 years of age or, if the student is under 18 years of age, the
5 student's parent or legal guardian. The student shall be given driver school shall
6 give the student, or the parent or guardian if the student is under 18 years of age,
7 the original, while the school agreement and shall retain and preserve the carbon a
8 duplicate thereof copy of the agreement.

9 **SECTION 64.** 343.71 (6) of the statutes is created to read:

10 343.71 (6) The department shall promulgate rules defining curriculum criteria
11 for each of the following courses not conducted as part of an approved course of
12 instruction identified under s. 38.04 (4) (e), 115.28 (11), or 343.71 (5):

- 13 (a) Courses for operators under the age of 18 years.
- 14 (b) Courses for operators 18 years of age or older.
- 15 (c) Supplemental driver training courses.
- 16 (d) Courses involving assistance or training of motor vehicle operators with
17 special physical or medical needs.
- 18 (e) Courses providing behind-the-wheel instruction.
- 19 (f) Courses providing only classroom instruction.

20 **SECTION 65.** 343.71 (7) (5) of the statutes is created to read:

21 343.71 (7) (5) A driver school shall notify the department of the name and address
22 of each person who is under the age of 18 years at the commencement of a course in
23 driver training and who fails to satisfactorily complete the course.

24 **SECTION 66.** 343.72 (1) of the statutes is amended to read:

1 343.72 (1) No licensee may agree to give refresher lessons, unless the student
2 states that he or she has had previous ~~driving~~ experience operating a motor vehicle.

3 **SECTION 67.** 343.72 (2) of the statutes is renumbered 343.71 (2m) and amended
4 to read:

5 343.71 (2m) No licensee ~~shall~~ may agree to give unlimited ~~driver's~~ driver
6 lessons, nor represent or agree, orally or in writing or as a part of an inducement to
7 sign any agreement, to give instructions until the student obtains an operator's
8 license ~~is obtained~~.

9 **SECTION 68.** 343.72 (3) of the statutes is renumbered 343.71 (3m) and amended
10 to read:

11 343.71 (3m) No agreement ~~shall~~ may contain a "no refund" clause, but may
12 contain the following: "The school will not refund any tuition or part of tuition if the
13 school is ready, willing and able to fulfill its part of the agreement".

14 **SECTION 69.** 343.72 (3m) of the statutes is created to read:

15 343.72 (3m) No driver school may offer classroom instruction by means of the
16 Internet or of home-schooling or at any location other than a classroom identified to
17 the department under s. 343.61 (2) (a) 3. at which a licensed instructor is physically
18 present.

19 **SECTION 70.** 343.72 (4) of the statutes is renumbered 343.71 (4).

20 **SECTION 71.** 343.72 (4m) of the statutes is created to read:

21 343.72 (4m) A driver school may withhold a completion certificate from a
22 student solely because the student has not made full payment for a driver training
23 course.

24 **SECTION 72.** 343.72 (5) of the statutes is renumbered 343.61 (4) (b) and
25 amended to read:

1 343.61 (4) (b) The licensee ~~shall have a specific place of business described~~
2 location of each driver school office shall be identified in the license. No ~~Except as~~
3 provided by the department by rule, no licensee shall may establish its headquarters
4 any driver school office within 1,500 feet of a department office where operator's
5 licenses are issued, nor within 1,500 feet of any headquarters where official ~~road~~
6 driving skills tests are given, ~~and locations shall be filed with the department as part~~
7 of the license application. Any change in address of any driver school office or driver
8 school classroom must be reported to and approved by the department. A driver
9 school may maintain driver school classrooms at locations other than the driver
10 school office.

11 **SECTION 73.** 343.72 (5m) of the statutes is created to read:

12 343.72 (5m) No driver school may represent that completion of a course of
13 instruction will guarantee that the student will pass the driving skills test
14 administered by the department. A driver school may only represent by means of a
15 certificate of completion that the student has satisfactorily completed the required
16 course.

17 **SECTION 74.** 343.72 (6) of the statutes is amended to read:

18 343.72 (6) All licensees must ascertain from state license examiners the route
19 over which ~~road~~ driving skills tests are given, and no licensee may instruct in those
20 areas.

21 **SECTION 75.** 343.72 (7) of the statutes is amended to read:

22 343.72 (7) Licensees shall may not publish, advertise, or ~~intimate~~ create the
23 impression that a license is guaranteed or assured. The display of a sign such as
24 “License Secured Here” is forbidden.

25 **SECTION 76.** 343.72 (8) of the statutes is repealed.

SECTION 77. 343.72 (9) of the statutes is renumbered 343.61 (4) (c) and amended to read:

343.61 (4) (c) ~~Except as provided by sub. (8), the~~ The use of the word “Wisconsin”, ~~or “State” or the name of the city in which the school is located,~~ in any sign, firm name, or other medium of advertising is prohibited, except that a licensed driver school may display at any driver school office or driver school classroom a sign reading: “This School is Licensed by the State of Wisconsin.”

SECTION 78. 343.72 (11) of the statutes is amended to read:

343.72 (11) All driver training cars vehicles must be registered with the department with a brief description of each, including the make, model, and registration number, and type of transmission shall be kept in safe working condition, as established by the department by rule. The department may promulgate rules authorizing the department to place any driver training vehicle out of service for a vehicle equipment violation or for failure to file with the department proof of insurance for the vehicle.

SECTION 79. 343.72 (12) of the statutes is amended to read:

343.72 (12) All driver training cars vehicles shall be equipped with ~~approved~~ dual controls so that the instructor can stop the car vehicle promptly. The department may inspect these cars vehicles at its discretion. After initial inspection of any driver training vehicle by the department, a driver school may, as provided by rule, certify to the department the condition of any driver training vehicle of a model year not more than 3 years old.

SECTION 80. 343.73 of the statutes is amended to read:

343.73 Penalty. Any person who violates ss. 343.60 to 343.72 may be ~~fin~~
~~required to forfeit~~ not less than ~~\$25~~ \$100 nor more than ~~\$100 or imprisoned not more~~
~~than 30 days~~ \$200 for each offense.

SECTION 81. Initial applicability.

(1) This act first applies to licenses issued or renewed, actions taken by the department of transportation against licenses, agreements entered into, and requests for review or hearing made, on the effective date of this subsection.

(END)

Emery, Lynn

From: Emery, Lynn
Sent: Friday, July 29, 2005 9:12 AM
To: Rep.Petrowski
Subject: LRB 05-0512/P1 (attached as requested)



05-0512/P1

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